

1 JUDGE RODWELL: Do you have anymore
2 questions?

3 MS. GOLDSTEIN: No, Your Honor.

4 JUDGE RODWELL: Okay. Mr. McCarty,
5 I am going to direct you to not discuss your
6 testimony or the questions asked with
7 anyone. I don't believe that I have anymore
8 questions. Do we have a long bio sheet in
9 the file?

10 MS. GOLDSTEIN: We don't, Your
11 Honor.

12 JUDGE RODWELL: Why not?

13 MS. GOLDSTEIN: Because they were
14 not maintained by the career board. As Mr.
15 McCarty said--I think he said. Did you
16 testify?

17 THE WITNESS: If I may reiterate?

18 JUDGE RODWELL: I thought they were
19 sent by you to the SAC?

20 THE WITNESS: They are in fact. And
21 then they are either retained by the SAC and
22 destroyed and a recommendation memorandum is
23 then transmitted back to the career board or
24 the whole package is sent back which would

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1 then be destroyed and the recommendation
2 memorandum would then be kept on the file
3 along with the short biographical data sheet
4 for the career board to review and become
5 part of the career board record.

6 The bio data sheets is an
7 interesting--it would be interesting to
8 note are a snapshot in time. They can be
9 updated at any time by the employee. Just
10 like the --

11 JUDGE RODWELL: I understand that.
12 I guess what I am asking is for these
13 proceedings, that should be part of the
14 promotion package, the long bio sheet.
15 Anything--and since in these proceedings
16 what the SAC recommends is so important,
17 that it is so important to know what it is
18 the SAC had before him or her in order to
19 make his or her recommendation to the board.

20 MS. GOLDSTEIN: That is right.
21 Unfortunately, the Agency has a practice and
22 does not maintain those.

23 JUDGE RODWELL: They are supposed to
24 if there is a EEO matter that is filed. In

1 this case I think there was. And I believe
2 that these things are supposed to be kept.

3 MS. GOLDSTEIN: Your Honor, they're
4 maintained until the career board meets. As
5 soon as they meet they are destroyed.

6 THE WITNESS: That is correct. And
7 the career board has access to these longer
8 bio sheets during the career board meeting.
9 That data base is in the career board and
10 any name can be brought up at a moments
11 notice.

12 JUDGE RODWELL: I see.

13 THE WITNESS: For deliberation.

14 JUDGE RODWELL: When are they
15 destroyed?

16 THE WITNESS: After the career board
17 meeting.

18 JUDGE RODWELL: How long after the
19 meeting?

20 THE WITNESS: Once the career board
21 teletype is published, usually within a day
22 or two.

23 JUDGE RODWELL: Of the meeting?

24 THE WITNESS: That is correct.

*Plaintiff
VIA*

1 witness. Good evening, Mr. Morrison. I'm
2 Donna Nutter Rodwell. ~~I am~~ presiding over
3 the hearing today. I have approved you as a
4 witness in this case. And I am going to ask
5 if you have any objection to taking an oath?

6 MR. MORRISON: No, I do not.

7 - - -

8 WALTER MORRISON, after having been
9 first duly sworn, was examined and testified
10 as follows:

11 - - -

12 JUDGE RODWELL: And state your name
13 for the record, please.

14 THE WITNESS: Walter Morrison.

15 JUDGE RODWELL: And what is your
16 position with the Agency, sir?

17 THE WITNESS: I am special agent
18 assigned as the executive assistant to the
19 career board.

20 JUDGE RODWELL: How long have you
21 been the executive assistant to the career
22 board?

23 THE WITNESS: Since December of
24 2001.

1 Q. Okay. After your career board
2 meeting, do you shred any documents?

3 A. Yes, we do.

4 Q. What do you shred? For this--in
5 this particular career board meeting, what did
6 you shred?

7 A. All of the documents basically that
8 the career board members have in front of them.
9 We have an enormous amount of paperwork, numerous
10 amounts of documents that each member gets copies
11 of. And when the meeting is over with, all of
12 that paperwork is shredded.

13 Q. Would that include any notes that
14 they might make as they discussed the different
15 candidates?

16 A. Yes.

17 Q. Do you recall on this meeting, if
18 myself the Complainant, Francisco Fernandez was
19 mentioned at all?

20 A. I do not recall.

21 Q. Okay. When the--what documents
22 did you provide to the career board members on
23 March 19, 2002 for them to review and for them to
24 review the selections?